



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MADELINE LUGO ROSADO,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

21-CV-623 (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

Plaintiff Madeline Lugo Rosado filed this action pursuant to § 205(g) of the Social Security Act, 42 U.S.C. § 405(g), seeking judicial review of a final decision of the Commissioner of Social Security denying her application for supplemental security income. The case is before me for all purposes pursuant to 28 U.S.C. § 636(c).

The Court carefully reviewed the record, the briefs, and applicable law, heard oral argument from the parties on September 28, 2022, announced its decision on the record at the conclusion of the argument (the Oral Decision), and directed the parties to order a copy of the transcript and split the costs.

For the reasons detailed in the Oral Decision, the Commissioner's motion for judgment on the pleadings (Dkt. 16) is DENIED, plaintiff's cross-motion for judgment on the pleadings (Dkt. 23) is GRANTED, and the case is REMANDED, pursuant to 42 U.S.C. § 405(g), for further proceedings consistent with the Oral Decision.

On remand, the ALJ should: (1) reevaluate the medical opinions and prior administrative findings in the record with respect to plaintiff's mental impairments and migraines, in accordance with 20 C.F.R. § 416.920c, analyzing the supportability and consistency of those opinions with reference to specific evidence in the record; (2) reconsider her finding at Step 2 as to whether

plaintiff's migraines qualify as a severe impairment; and (3) having done so, reassess plaintiff's residual functional capacity based upon all of the medical and other evidence in the record, including evidence concerning the absences, if any, that would be caused by plaintiff's headaches.

The Clerk of the Court is respectfully directed to close the case.

Dated: New York, New York
September 28, 2022

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge